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PATENT

ATTORNEY Docket NO. 5725.0446-00
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Serge RESTLE et al.

Application No.: 09/360,521

Filed: July 23, 1999

For: DETERGENT COSMETIC COMPOSITION
AND USE

Group Art Unit: 1619

Examiner: G. Hollinden

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the Office Action dated October 3, 2000, reconsideration of this application in view of the following remarks is respectfully requested.

The Office has required an election of species for the above-identified application. The Examiner has specifically required the election of "1) an anionic surfactant, 2) an amphoteric surfactant, [3)] an aminated silicone polymer, as well as [4)] any other cosmetically active agents found in the elected composition." Page 3, lines 1-3.

The election of species requirement is respectfully traversed. To be fully responsive, however, Applicants elect, with traverse, 1) alkyl ether sulphate as the anionic surfactant, 2) alkylbetaine as the amphoteric surfactant, 3) amodimethicone as the aminated silicone, and 4) the cationic polymer diallyldimethylammonium salt homopolymer as an additional active agent. The elected species read on claims 1-32, 34, and 36-46.

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Applicants traverse the election of species requirement on the grounds that the Office has not shown that there would be a serious burden to examine all of the recited species of the various claimed components. In fact, the Office has failed to state that any burden exists to examine all of the species of the various components recited in the present claims. Accordingly, Applicants respectfully request that all the recited species continue to be examined in this application.

If the Office chooses, however, to maintain the election of species requirement, Applicants expect that the Office, if the elected species are found allowable, to continue to examine the full scope of claims 1-46 to the extent necessary to determine the patentability of these pending claims, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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By: 
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Date: October 31, 2000

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